

Notice of Allowability

Application No.

09/942,666

Examiner

Jeffery A. Brier

Applicant(s)

RIEFFEL ET AL.

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/16/2007.
2. ☒ The allowed claim(s) is/are 1-5, 7-25, 27-48, 50-66, 68 and 70-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Interview Summary

1. On 6/7/2007 Examiner Jeffery A. Brier telephoned applicants representative Pavel Pogodin, Registration No. 48,205, concerning claims 8-12, 29-33, and 51-55 which change the definition of the parent claim's definition of "the first condition". We agreed to amend claims 8, 9, 29, 30, 51, and 52 by changing "the first condition is" to "the first condition further comprises". This amendment is being made to clarify the definition of "the first condition" in claims 8-12, 29-33, and 51-55 and to prevent the prior art of record from reading on dependent claims 8, 9, 11, 29, 30, 32, 51, 52, and 54.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Pavel Pogodin on 6/7/2007.

The application has been amended as follows:

Claim 8:

At line 1 "the first condition is" has been changed to "the first condition further comprises".

Claim 9:

At lines 1-2 "the first condition is" has been changed to "the first condition further comprises".

Claim 29:

At line 1 "the first condition is" has been changed to "the first condition further comprises".

Claim 30:

At lines 1-2 "the first condition is" has been changed to "the first condition further comprises".

Claim 51:

At line 2 "the first condition is" has been changed to "the first condition further comprises".

Claim 52:

At line 2 "the first condition is" has been changed to "the first condition further comprises".

The claims have been renumbered as:

claims 1-5, 7-25, 27-48, 50-66, 68, and 70 have been renumbered as claims 1-65 respectively;

claim 73 has been renumbered as claim 66; and

claims 71 and 72 have been renumbered as claims 67 and 68 respectively.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Claims 1-5, 7-25, 27-48, and 50-66:

The prior art of record fails to teach or suggest the five variables alternatively used to determine the predetermined time. See applicant remarks filed on 9/28/2005 at pages 14 and 15.

Claim 68:

The prior art of record fails to teach or suggest wherein the predetermined speed depends on an importance determination of a word in the media marked by the digital ink.

Claims 70-73:

The prior art of record fails to teach or suggest further comprising, selecting a faded or fading digital ink; and recovering the selected faded or fading digital ink.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/
Primary Examiner, Division 2628